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Express Mail Label No.: EV 138529594 US Qate of Deposit: January 21, 2005

Attorney Docket No.: 26859-002

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CANT:

Stuart Brown

SERIAL NUMBER:

10/629,048

Brian Scott Szmal

FILING DATE:

July 28, 2003

ART UNIT:

EXAMINER:

3736

For:

TISSUE AND FLUID SAMPLING DEVICE

Mail Stop Amendment

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Transmitted herewith for filing in the present application are the following documents:

- 1. Supplemental Information Disclosure Statement (2 pages), in duplicate;
- 2. Modified Form 1449/PTO (1 page), in duplicate;
- 3. Copies of Cited Reference: B6-9; C1; and
- 4. Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 542-6000, Boston, Massachusetts.

The Commissioner is authorized to charge any fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311 Ref. No. 26859-002. A duplicate copy of this transmittal letter is enclosed herewith.

Respectfully submitted,

Ingrid A. Beattie, Reg. No. 42,306 Alison McCarthy, Reg. No. 51,998

Attorney(s) for Applicants

c/o MINTZ, LEVIN

Address all written correspondence to

Customer no.: 30623 Tel: (617) 542-6000 Fax: (617) 542-2241

Date: January 21, 2005

Attorney Docket No.: 26859-002

Express Mail Label No.: EV 138529594 US Date of Deposit: January 21, 2005

IN THE UNITED STATES ATENT AND TRADEMARK OFFICE

APPLICANT:

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants hereby make of record the documents listed on the attached modified Form PTO-1449, as well as copies of the listed documents.

This Supplemental Information Disclosure Statement is being filed before the mailing date of a first Office Action based on the merits in the above-identified case. Accordingly, no fee or certification is believed due. By the waiver of 37 CFR 1.98(a)(2)(i) a copy of the U.S. Patent A23 is not submitted.

It is respectfully requested that the Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims, and sign the enclosed form PTO-1449 to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application.

By submitting this Supplemental Information Disclosure Statement, the Applicants make no representation that: (1) a search has been performed, of the extent of any search performed, or that more relevant information does not exist; (2) the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and (3) the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

APPLICANT:

Stuart Brown

U.S.S.N.:

10/629,048

Notwithstanding any statements by the Applicants, the Examiner is urged to form his/her own conclusion regarding the relevance of the cited information. An early and favorable action is hereby requested.

Please charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 26859-002.

Respectfully submitted,

Ingrid A. Beattie, Reg. No. 42,306 Alison McCarthy, Reg. No. 51,998

Attorney(s) for Applicants

c/o MINTZ, LEVIN

Address all written correspondence to

Customer no.: 30623 Tel: (617) 542-6000 Fax: (617) 542-2241

Date: January 21, 2005

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Page 1 of 1 Attorney Docket No.: 26859-002

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PTO/SB (12-97) Approved for use through 9/30/00. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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Modified Form 1449/PTO INFORMATION DISCLOSURE				Application Number	10/629,048		
				Filing Date	July 28, 2003 Brown		
				First Named Inventor			
	STATEMENT BY APPLICANT			Group Art Unit	3736		
				Examiner Name	Brian Scott Szmal		
	(use as many sheets as necessary)			Attorney Docket Number	26859-002		
avii.				U.S. PATENT DOCUMENTS	- V	7. 2. 2	
Exam Initials	Cite No.	U.S. Patent Document No.	Issue	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate

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Exam Initials	Cite No.	U.S. F Docui	Patent ment No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropria
	*A23	5,5	526,822	06/18/96	Burbank et al.	128	754	
		**** *********************************		U.S.	PUBLISHED APPLICATION DOCUMENTS	E. Dis.		· · · · · · · · · · · · · · · · · · ·
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Exam Initials	Cite No.	Foreig Office	gn Patent Do	cument	FOREIGN PATENT DOCUMENTS Name of Patentee(s) or Applicant(s)	Date of Publicati	ion	Translation Yes No
	В6	wo	97/24070		JANSSENS, Jacques	07/10/97		
	B7	1110			UNIV. COLLEGE LONDON	08/03/00		
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	B8	wo	00/44285	A2	RUBICOR MEDICAL, INC.	11/08/01		

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS							
Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.					
	C1	International Search Report for PCT/US03/23551, mailed November 26, 2003.					

* By the waiver of 37 CFR 1.98(a)(2)(i) copies of the U.S. Patents A23 are not submitted.

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered.

Include copy of this form with next communication to applicant.